

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>PERSONALWEB TECHNOLOGIES, LLC</b>	§	
<b>AND LEVEL 3 COMMUNICATIONS, LLC,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
<b>vs.</b>	§	<b>CA NO. 6:12-CV-00658-LED</b>
	§	
<b>YAHOO!, INC.,</b>	§	
	§	
<b>Defendant.</b>	§	<b>JURY TRIAL DEMANDED</b>

**JOINT MOTION AND STIPULATION  
TO PARTIALLY DISMISS WITH PREJUDICE**

Plaintiffs PersonalWeb Technologies LLC (“PersonalWeb”) and Level 3 Communications, LLC (“Level 3”) and Microsoft Corporation (“Microsoft”) have reached a settlement of the disputes raised in the *PersonalWeb v. Microsoft* action in the United States District Court for the Eastern District of Texas, Tyler Division (CA No. 6:12-cv-663-LED). That action was dismissed with prejudice on July 8, 2014 (Dkt. No. 153).

Pursuant to their settlement with Microsoft, PersonalWeb and Level 3 agreed to dismiss with prejudice any and all claims against Yahoo! Inc. (“Yahoo!”) that rely, in any way, on any portion of or operation performed by any of the following: (i) software, products and services of Microsoft including any software, hardware or other product or service that is marketed, offered, distributed or provided (whether pursuant to sale, license, subscription service, remote hosting, terminal services, distributable software product, distributable service or otherwise) by Microsoft, and (ii) implementations of specifications provided by Microsoft, wherein the specifications are associated with the software, products and services of Microsoft (“the Microsoft-Related Claims”). Such claims include PersonalWeb’s claims against Yahoo!’s search engine “as powered by Bing.”

Plaintiffs PersonalWeb Technologies LLC and Level 3 Communications LLC and Defendant Yahoo, Inc., therefore, jointly move and stipulate that all Microsoft-Related Claims in the above-captioned action, in accordance with the attached proposed Order of Dismissal, be dismissed with prejudice and that each party shall bear its own costs, expenses and attorneys' fees as to such claims.

Respectfully submitted,

By: /s/ Ashley L. McMillian

Max L. Tribble, Jr.  
State Bar No. 20213950  
mtribble@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

Joseph S. Grinstein  
State Bar No. 24002188  
jgrinstein@susmangodfrey.com  
Manmeet S. Walia  
State BarNo.24056776  
mwalia@susmangodfrey.com  
Ashley L. McMillian  
State Bar No.24070252  
amcmillian@susmangodfrey.com  
Adam Hockensmith (*pro hac vice*)  
State Bar No. 24083184  
ahockensmith@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

/s/ Jennifer H. Doan

Jennifer H. Doan  
State Bar No. 08809050  
Brent McCabe  
State Bar No. 24088004  
Stephen D. Howen  
State Bar No. 10117800  
HALTOM & DOAN  
6500 Summerhill Road, Suite 100  
Texarkana, TX 75503  
Telephone: (903) 255-1000  
Facsimile: (903) 255-0800  
jdoan@haltomdoan.com  
bmccabe@haltomdoan.com  
showen@haltomdoan.com

Kevin S. Kudlac  
State Bar No. 00790089  
Amber L. Hagy  
State Bar No. 09223750  
Rene A. Trevino  
State Bar No. 24051447  
GREENBERG TRAURIG LLP  
300 West 6<sup>th</sup> St., Suite 2050  
Austin, TX 78701  
Telephone: (512) 320-7200  
Facsimile: (512) 656-5743  
kudlack@GTLAW.com  
hagya@GTLAW.com  
trevinor@GTLAW.com

Marc M. Seltzer  
CA State Bar No. 54534  
mseltzer@susmangodfrey.com  
Kalpana Srinivasan  
CA State Bar No. 237460  
ksrinivasan@susmangodfrey.com  
Davida Brook  
CA State Bar No. 275370  
DBrook@susmangodfrey.com  
1901 Ave of the Stars, Suite 950  
Los Angeles, CA 90067  
Telephone: (310) 789-3100  
Facsimile: (310) 789-3150

**ATTORNEYS FOR PLAINTIFF  
PERSONALWEB TECHNOLOGIES,  
LLC**

*/s/ David Wier*

David Wier

David D. Wier  
Vice President, Patent Counsel  
LEVEL 3 COMMUNICATIONS, INC.  
1025 Eldorado Boulevard  
Broomfield, Colorado 80021  
David.Wier@Level3.com

**ATTORNEY FOR PLAINTIFF  
LEVEL 3 COMMUNICATIONS LLC**

Jared Bobrow  
California State Bar No. 133712  
WEIL GOTSHAL & MANGES LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3034  
Facsimile: (650) 802-3100  
jared.bobrow@weil.com

**ATTORNEYS FOR DEFENDANT  
YAHOO! INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 24th day of September, 2014.

*/s/ Ashley McMillian*\_\_\_\_\_